THE EXAMINER.

No. 100. SUNDAY, NOV. 26, 1809.

THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 98.

MARQUIS WELLESLEY.

PARLIAMENT has been again prorogued to the 23d of January, and in the mean time, the Ministers are said to have gained an accession to their vigour in the person of the Marquis WELLESLEY. They are represented as almost out of their wits on the occasion; and indeed, they may well be delighted to see that "great man" accept the refuse of the GRENVILLES and the leavings of Mr. CANNING. Come, ye magnanimous Spaniards,—once more spread out the French flag, that as your "Restorer" came to ye, so also he may go

"On the light *fantastic* toe:"—

make sail, ye packets; ye waves, whom Britannia rules, waft proudly home the great man who comes to rule Britannia, not to mention—regenerate:—ye postilions, convert your hacks into Arabians, and dress yourselves in breezes instead of buckskins; and lastly, ye post-chaises, fly as if ye were carrying a young heir to his estate, or a young couple to Gretna Green, or, in short, as if the Devil or the King* were in ye, for WELLESLEY comes, the polished and the political, the *gallant* and *gallant*, the all-accomplished and all-accomplishing Marquis,—yea, even RICHARD COLLEY, who trips over flags as he would flag-stones, and settles nations with as much ease as he does his neckcloth! The Ministers are impatient to behold him, the Rulers of the kingdom are impatient to gaze on that face, before which, Place is to be satisfied, and Pension to want not;—before which, Liberty is to lose every thought of licentiousness; the Press to bow down in the humility of Oriental silence; and NAPOLEON himself to be but as Sir WILLIAM's last nightmare;—fearful only in imagination;—the heaviness of a dream,—the mockery of a night's sleep,—the very ghost of a fricandeau!—Even now, the Ministers compose their fears and their faces; even now, the miraculous LORD TREASURER, like an authentic relic in Italy, testifies his joy in four places at once; and my Lord of LIVERPOOL, full of a second march to Paris, feels all the returning poetry of his youth, and pours forth another drama on "*THE UNEXPECTED Surprise!*"

And who, after all, is this Marquis WELLESLEY, this restorer of nations, and trampler on French flags?—A man, who in Mr. PITT's time hardly dared to open his mouth but by permission,—who was sent over to India, with a taste for the gorgeous just suited to Nabobship, and with a decisive something just enough to overawe the poor natives and make himself as vain as a jackall; a man, in short, who when all thinking persons had united in seeing the uselessness of Spanish effort, came over to England just in time to prove his consummate vanity and his consummate ignorance of politics, by setting off to regenerate Spain. I beg the reader never to forget this most decisive probation of this most decisive man. It fully proved three points with regard to the Noble Lord; whether luckily or not for the nation, the ensuing Parliament must determine. It proved, firstly, that the Marquis thought the restoration of Spain highly probable, and was consummately weak in so thinking; secondly, that he looked upon himself as the destined restorer, and was still more weak in so thinking; and thirdly, that he could do nothing whatever for Spain, and was obliged to snatch at the first excuse for coming away. This of itself ought to be sufficient, in times like the present, to open the eyes of the commonest politician with regard to the Marquis WELLESLEY. Habit, which effects any thing in time, had succeeded, through the flattering rumours of his friends, in impressing people with an idea of his being something wonderfully dignified and superior; nothing however was wanted to change his political colour, but change of climate; he came over to England, and the charm vanished. People saw that those persons were right, who refused to take their ideas of military or political glory from the discomfiture and degradation of Nabobs. Instead of the dignified and superior Statesman, they saw a petty, intriguing politician, ready to creep into the first vacant office, and taking the very best opportunity he could have selected for proving himself a nonentity. It is well, indeed, that he has any excuse at all for leaving the Spaniards so soon, for the "Regenerator" would have looked rather awkward in leaving the country on one side, the moment NAPOLEON entered it on the other. But he is wanted in England, and that reason must satisfy the Spaniards immediately.—"I would stay with ye, my fine Hidalgoes, but you

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* Sir VICARY, it is hoped, will not betray his want of taste by casting any imputation on this combination, which is a mere figure of contrast, and has very classical authority:—

"The Devil and the King divide the prize."—POPE.

With regard to the rapidity of royal travelling, there seems to be as singular a coincidence in this as in many other respects among the legitimate monarchs. Poor FERDINAND's father, CHARLES IV. used to rush in such a way, that his postilions and coachmen not unfrequently broke their necks; on which occasion the gracious King always observed, "Ah! well, the man died doing his duty." See BARETTI's Travels.—An Italian writer, formerly in this country, who had travelled a good deal, told a friend of mine, that the same taste for the rapid was observable in the speech of various living Princes, and that they even had the same vivacious expression of countenance.

see England cannot do without me." To England therefore he comes, and the Statesman who could do nothing for Spain, is nevertheless to be the Regenerator of Great Britain.

It is easy, however, for the man who can do no good, to do a great deal of harm; and whatever situation the Marquis may hold in the Government, it becomes every Englishman who can express an opinion, to protest against the admission of any thing oriental into the public measures of that Government. The Marquis's decision in Asia consisted in sending well-disciplined troops to beat ill-disciplined, in cutting up the petty Princes, and in completely fettering the press:—in Europe he can neither beat troops nor cut up Princes, but help to fetter the press he may; and if the liberty of the press was annihilated because it was *feared* in India, it has every good reason in the eyes of such men, to be annihilated in England. The Crown already possesses a power with regard to libel, with which, it might be hoped, the most inordinate of Attorney-Generals ought to be satisfied, that is, it can bring any person whatever into Court upon any paragraph it chuses, and after compelling him in self-defence to incur the expences of the law, leave him there to pay them, without bringing on the trial or taking any further notice of him. But this, it seems, is not rigorous enough; and a new system is to be commenced, at which the printing-presses are to tremble to their inmost joints. Ministerial vigour, despairing of doing any thing with BONAPARTE, is to turn against the freedom of writing; that is to say, despairing of hurting the enemy, it is to turn, in a fit of stupid rage, against the vitals of the country. We have already seen a suspension of the Habeas Corpus, and what shall we say to see the Marquis's *Regulations* * of the Indian press issued by authority in our own country. "Impossible!" cries the Reader: "it would be too much:" so would an Englishman have cried fifty years ago, had he read of the probable suspension of the Habeas Corpus: he would also have said "impossible," and "too much," but he has seen the impossibility and borne the oppression. Encroachment on liberty is a wedge, that grows more powerful at every advance, and corruption has rendered the general system less sound and therefore less disposed to resist. We have seen the Habeas Corpus suspended; we have seen persons sent to distant gaols for what they did in the metropolis; we have seen persons confined in prisons for years and then dismissed without a trial; we have seen Ministers acting with a folly and a profligacy, as if they never expected to be called upon either in this world or the next; we have seen the people treated with contempt whenever they were mentioned; we have seen this contempt grow into a custom; and lastly, we have seen this custom patiently tolerated by the people:—and what may we not expect?—Those, who do not like to think of these things, or who affect to think nothing of them, seem to rest all their ideas of English security on some imaginary charm, arising from their indolent habits, or their inattention to what are called politics, or the prejudices of their education: but for Heaven's sake, where is this charm, and what, unless in the steady resistance of the people to all encroachment on their liberties? Do we know any thing of Greek, or Roman, or French history? Are we the commonest readers in the world, and can so flatter ourselves? We may sit still if we please, we may absolutely forget we have a right to petition the KING and *to take our interests, as far as a people ought, in our own hands*; but so sitting and so forgetting, we shall lose *by degrees* every blessing of our Constitution, bodily and intellectual; corruption shall engender on our sloth; we shall lose the proper use of our faculties; and like the naked devotees of India, with our eyes vacantly fixed on some imaginary good, give ourselves up to a nonentity of existence in one stiffening and stupid posture, the prey of the first invader who chuses to knock us on the head.

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* Among these *Regulations*, facetiously so called, it is decreed, with a nicety which BONAPARTE himself might admire, that "no paper shall be published at all, until it shall have been *previously inspected by the Secretary to the Government*, or by a person authorised by him for that purpose;" and that such Secretary or authorised person, shall prevent the publication of "*All observations with respect to the conduct of Government, or any of its officers, civil or military, marine, commercial, or judicial.*" See *Examiner*, No. 9. p. 143.

FOREIGN INTELLIGENCE.

FRANCE.

FONTAINBLEAU, NOV. 5.—The grand hunt of St. Hubert, which has always taken place the day after All Saints, has been postponed till the arrival of the King of Saxony, who is daily expected at Fontainbleau. The Kings of Westphalia, and the Viceroy of Italy, are also expected. The Emperor hunted with nets, a few day ago, in the plain of Cormaise; last Thursday he went out shooting, and yesterday he hunted for five hours and a half, during which time he rode above sixty miles! Count D'Essen, the Swedish Ambassador, is arrived; the Spanish Ambassador is expected to-day.

VILLACH, OCT. 27.—Besides the Italian division which is within our walls, two French divisions have arrived. The tranquillity of the country is not only secured, but there is no doubt of the rebels of the Tyrol laying down their arms, and returning to their homes.—The Viceroy, on his arrival, published the following Proclamation:—

EUGENE NAPOLEON, ARCH-CHANCELLOR OF STATE OF THE FRENCH EMPIRE, VICEROY OF ITALY, PRINCE OF VENICE, AND COMMANDER IN CHIEF OF THE ARMY OF ITALY—

"*To the People of the Tyrol.*

"Tyroleans, Peace is concluded between his Majesty, the Emperor of the French, King of Italy, Protector of the Confederation of the Rhine, my august Father and Sovereign, and his Majesty the Emperor of Austria. Peace therefore prevails every where, except among you—you only do not enjoy its benefits. Listening to perfidious suggestions, you have taken up arms against your laws, and have subverted them, and now you are gathering the bitter fruits of your rebellion; terror governs your cities, idleness and misery reign in your; discord is

in the midst of you, and disorder every where prevails.—His Majesty the Emperor and King, touched with your deplorable situation, and with the testimonies of repentance which several of you have conveyed to his throne, has expressly consented, in the treaty of peace, to pardon your errors and misconduct. I then bring you peace since I bring you pardon. But I declare to you, that pardon is granted you only on the condition that you return to your obedience and duty, that you voluntarily lay down your arms, and that you offer no resistance to my troops. Charged with the command of the armies which surround you, I come to receive your submission, or to compel you to submit. The army will be preceded by Commissioners appointed by me to hear your complaints, and to do justice to the demands you may have to make. But know that these Commissioners can only listen to you when you have laid down your arms. Tyroleans, if your complaints and demands be well founded, I hereby promise that justice shall be done you.

"*Head-Quarters, Villach, Oct. 26.*"

PROVINCIAL INTELLIGENCE.

Wednesday se'nnight, about six o'clock in the evening, a most horrid murder was committed in the parish of Goathurst, near Bridgwater.—As the wife of Mr. Styling, a farmer of that place, was sitting alone at her tea, Thomas Gage, an apprentice to Mr. Styling, only eighteen years of age, most inhumanly cut her head through with an hatchet. The murderer then robbed the house of two ten pound notes, some silver spoons, and other articles, and made his escape on his master's horse. On Mr. Styling's return, which was in less than two hours after the murder was perpetrated, he found the house door locked, and on breaking it open, the mangled remains of his wife presented a truly shocking spectacle.—We have heard that the villain is apprehended.

The case of the soldier of the North Hants Militia, who was *flogged for getting married*, is particularly deserving attention. This poor fellow actually received *one hundred lashes*, for having united his fate with that of a young innocent girl, for whom he had long entertained a sincere and honourable affection. Every one whose heart is not absolutely dead to the ordinary feelings of humanity, cannot but shudder at the recital of an event so grossly marked with malignant despotism and cold blooded cruelty. To punish a soldier for marrying, what is it but to hold out the strongest encouragement to immorality, and to stifle the most animating hopes of a well regulated heart? In a military point of view it is also as cruel as well as an injurious regulation, for who can doubt that cases of desertion would be considerably less frequent, if a soldier, when he determines on abandoning his military duty, must at the same time resolve to sacrifice the invitations of his *home?*—A volume might be said on this subject; but we should pity those whose feelings will not promptly administer an ample justification of the young soldier's conduct on this occasion. It will readily be conceived that this young man's situation in the regiment cannot be the most enviable; and it would be accomplishing an object highly pleasurable to those engaging in it, if a subscription were commenced for the purpose of procuring his discharge. The sum required for this purpose would not be great, and we earnestly recommend to our readers, and the public at large, that an immediate contribution should be raised for this desirable purpose. Perhaps something beyond his discharge may be accomplished: he may be able to establish himself in business; and with the object of his choice, owe the means of future happiness to the liberality of a British public. We shall gratuitously insert the names of Subscribers in our next and following papers; and pledge ourselves not to forsake the subject until we have done all in our power to lighten the misery of the unfortunate object of our solicitude.—Subscriptions may be paid in for "*The Oppressed Soldier*," at any of the Country Banks; and it is requested, that, at the same time, a letter may be transmitted to the Office of this Paper, stating the amount.—*Taunton Courier!*

TUESDAY'S LONDON GAZETTE.

BANKRUPTCIES ENLARGED.

J. Chadwick, and Ann Chadwick, Bredbury, Cheshire, hat-manufacturer, from Nov. 18 to Dec. 30, at ten, at the Warren Bulkeley Arms, Stockport.

BANKRUPTCIES SUPERSEDED.

E. Maddox and W. Delamore, Liverpool, corn-dealers.
Ann Lanchester, St. James's-street, Middlesex, milliner.

BANKRUPTS.

T. Kenderick and J. Whitworth, Salford, Manchester, cotton-manufacturers. Attorney, Mr. Law, Manchester.
F. Rybot, Cheapside, silk-mercer. Attornies, Messrs. Collins and Waller, Spital-square.
T. Farley, Sheerness, boat-builder. Attornies, Messrs. Rigby and Lowless, Chatham-place, Bridge-street.
W. Toulmin, Aldermanbury, money-scrivener. Attorney, Mr. Broad, Union-street, Borough.
M. A. Tudor, Reading, innholder. Attorney, Mr. Andrews, Reading.
J. Leedham, Matlock Bath, Derbyshire, innkeeper. Attorney, Mr. Vernor, Stone, Staffordshire.
J. Gouldsmith, Fletching, Sussex, victualler. Attorney, Mr. Gwynne, Lewes.
J. Calicomb, Bristol, cordwainer. Attornies, Messrs. Osbornes and Ward, Bristol.
J. Morgan, Old City Chambers, money-scrivener. Attorney, Mr. Heartly, New Bridge-street.
W. Jacks, Guildford-street, Blackfriars-road. Attorney, Mr. Druce, Billiter-square.

CERTIFICATES—Dec. 12.

J. Chapman, Yarmouth, Norfolk, linen-draper.—H. Moseley, Lawrence Pountney-hill, merchant.—I. Hull, Wharton, Warwickshire, jobber.—N. Macneal, London, merchant.—I. Robinson, Whitehaven, mercer.

SATURDAY'S LONDON GAZETTE.

BANKRUPTCY SUPERSEDED.

P. Firmin, Dedham, Essex, money-scrivener.

BANKRUPTS.

Elizabeth Ware, Cheapside, milliner. Attorney, Mr. Welch, Nicholas-lane, Lombard-street.
J. Newnum, Bishopsgate-street Without, linen-draper. Attorney, Mr. Parton, Walbrook.
R. Cannon, Kingsland-road, builder. Attorney, Mr. Finnis, Hart-street, Bloomsbury.
E. Abell, Old Ford, Middlesex, builder. Attorney, Mr. Crosse, New Inn.
W. Hett, Leeds, woolstapler. Attorney, Mr. Shelton, Leeds.
H. Parry, Liverpool, merchant. Attorney, Mr. Harrison, Liverpool.
M. and J. Preist, Thorney-street, Bloomsbury, painters. Attorney, Mr. Patten, Cross-street, Hatton-garden.
W. Thornton, Cadiz, merchant. Attornies, Messrs. J. and W. Richardson, New Inn.
G. M. Shelley, Whitechapel, hosier. Attorney, Mr. Loxley, Cheapside.
C. Dibdin, Strand, music-seller. Attorney, Mr. Wood, Richmond-buildings, Dean-street, Soho.
I. Alexander, Duke-street, Aldgate, broker. Attorney, Mr. Isaacs, Beves-Mark, St. Mary Axe.
J. Hirst, Bristol, grocer. Attorney, Mr. Strickland, Bristol.
J. Suddones, Wood-street, Cheapside, hosier. Attorney, Mr. Field, Wood-street.
W. M'Dowell, Tottenham Court-road, linen-draper. Attornies, Messrs. Maddock and Stevenson, Lincoln's-Inn.
J. Strutt, Little Queen-street, Lincoln's-Inn-Fields, stationer. Attornies, Messrs. Denton and Barker, Gray's-Inn-Square.
Wm. Kirkpatrick, Bread-street-Hill, merchant. Attornies, Messrs. Matthews and Randall, Castle-street, Holborn.

CERTIFICATES.—Dec. 16.

J. Seago, Duke-street, St. James, taylor,—T. Young, Downend, Gloucestershire, dealer.—J. Allsopp, Winchester, silk-weaver.—O. Hargreave and J. Goodwin, Manchester, merchants.—Wm. Jones, Woolwich, taylor.—G. Brede, jun. Lime-street, London, fishmonger.—R. H. Willson, Wakefield, factor.—W. Davies, Holborn, linen-draper.—J. Sisson, Lombard-street, banker.—T. Dickie, Cornhill, bookseller.—J. Morley, Sewardstone, Essex, miller.—T. H. Mason and J. Greenwood, Leeds, grocers.—R. Samuel, High-street, St. Giles, linen-draper.—T. and A. Dow, Liverpool, merchants.

PRICE OF STOCKS ON SATURDAY.

3 per Consols 69⅞ | Red. Ann. 69⅛ | Omnium.. 2½ prem.

The Letter to the Earl of LIVERPOOL unfortunately cannot be found.

MIRAB shall certainly appear next week.

As the ESSAYS ON THE FOLLY AND DANGER OF METHODISM, which appeared in last year's EXAMINER, have been reprinted as a Pamphlet, with a Preface and Additional Notes, the PREFACE shall appear in the EXAMINER the first open day, in order that the Subscribers to this Paper may, as far as possible, have the whole of the Editor's arguments before them.

Persons frequently send to the EXAMINER Office respecting the irregular supply of the Paper, &c. They are informed, that unless the *original orders* were given at the Office, the Proprietors have it not in their power to rectify any errors of the kind.

THE EXAMINER.

LONDON, NOVEMBER 26.

NOTHING further is known respecting the rumoured engagement between the French and English fleets. A vessel from Port Mahon gave information at Gibraltar to Capt. FAVERMAN, of the Formidable, that the French fleet, consisting of 17 sail of the line, left Toulon on the 21st of October, and that Lord COLLINGWOOD, with 15 sail, had gone in pursuit of them. It is stated also in a Letter from Cette, that two ships of the line were seen stranded there on the 25th, the Lion, of 74 guns, and the Robuste, of 80, commanded by Admiral BAUDIN, a favourite French Officer, who, on the approach of some of our ships, is said to have burnt the vessels himself.

Licences are still granted to the vessels that trade to Walcheren; and the friends and relations of the troops there, together with all such of the *public* as can feel for those devoted men, are in great anxiety, lest after all, that deadly place should not be evacuated. It should be recollected however, that the Ministers are at no time famous for their swiftness to do good; and that however eager their vanity rendered them in sending our troops to Walcheren, the same vanity will not render them eager to bring the troops back, and thus acknowledge that they have been wrong. Every possible excuse therefore will be framed for delay: at one time the weather will be promising, then the natives will ardently long for our continuance, then the troops will be getting better; but in the mean time two-thirds of those that were left for garrison, have been sent home with a malignant fever; every day fresh graves are dug for the remaining; the soldiers who carry their departed comrade to the ground see their own fate before them; and it is well remarked, in a letter from Flushing, dated the 14th instant, that when the English papers represent the number of sick as decreasing, "they forget that the decrease is owing to two causes—to the number of *deaths* here, and the number of men sent to England." By the same letter it appears, that on Sunday week, the muster of the whole garrison of Flushing amounted to 750 men; and that of two companies of artillery, one had every man in the hospital but the Captain, and the other out of 120, had only 5 fit for duty. Of the French in the neighbourhood, nothing is heard at present; but the French do not collect forces for nothing as we do, and unless the remnant of our unhappy countrymen be restored to us, they will have no choice between death or captivity. Such are the sacrifices paid to sheer vanity! Such are the human victims sacrificed to a set of fantastic images, raised at the expense of this infatuated nation to be the presiding deities of jobbing and corruption.

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A Gottenburgh Mail arrived yesterday morning—Notice of the shutting of the Swedish Ports against us has been publicly given.—The exclusion was to commence from the 15th instant, but as several ships are not yet loaded, they are to be allowed to the 1st of December to complete their cargoes.

The Africaine frigate, Captain RAGGETT, has arrived at Portsmouth from the Chesapeake, in 26 days. The Hon. Mr. ERSKINE, his Lady, and four children, came home in her. The Africaine lay two months in Hampton-roads, after she landed Mr. JACKSON. Soon after she arrived, several of the crew deserted, the men were claimed, but the American mob seemed to be judges in the case, for, though there appeared every disposition in the Government to restore the men, they were never given up, and it was attributed to the influence of the mob. The general opinion when the Africaine sailed was, that the differences with this country would be adjusted.

Marquis WELLESLEY intended to sail from Cadiz on the 8th inst. The wind having been in general favourable for the last six or eight days, his arrival may be hourly expected.

A vessel is arrived at Plymouth from Bilboa, which states that she fell in with on the 15th, and was boarded by the Renommee, one of a squadron of four French frigates and a corvette, from the Loire, bound to Guadaloupe. They left her and then steered a Westerly course. The Dreadnought, 98, Rear-Admiral SOTHEBY, also fell in with and chased the above squadron a whole day, but unfortunately they escaped in consequence of the Dreadnought's having carried away her fore-top-gallant-mast. The sailing of these frigates for Guadaloupe was expected by our Admiral on the Barbadoes station, and a flying squadron of frigates had been sent on the look out for them.

We understand a Requisition has been presented to the Lord Mayor, to call a Court of Common Council, "to take into consideration the late unwise, ill-digested, and calamitous expeditions!"

The Duke of Northumberland was solicited to permit the insertion of Lord Percy's name in the List of Lords Commissioners of the Admiralty, but the Duke refused the request with indignation. This *repulse* was followed by a bold and most notable stroke of Ministerial enterprize—Lord Francis Spencer—a son of the Duke of Marlborough—was one morning electrified by the sight of his name in the Gazette as one of the Commissioners for the affairs of India! His Lordship had never heard of the intention to nominate him to the office—and instantly insisted on a revocation of the appointment!

The Monarchs of Great Britain can never be sufficiently grateful for that generous spirit which led the Revolutionary Whigs to give away the Crown, without imposing any of those restraints or stipulations, which other men might have taken advantage of such a moment to enforce, and in framing of which they had so good a model to follow as the limitations proposed by the Lords Essex and Halifax in the debate upon the Exclusion Bill. They not only condescended however to accept of places, but they took care that these dignities should be no impediment to their "voice potential" in affairs of legislation; and though an Act was after many years suffered to pass, which by one of its articles disqualified placemen from serving as Members of the House of Commons, yet it was not allowed to interfere with the influence of the reigning monarch, nor indeed with that of his successor Anne, as the purifying clause was not to take effect till after the decease of the latter sovereign, and she very considerately repealed it altogether. So that, as representation has continued ever since, if the King were simple enough to send to foreign courts ambassadors who were most of them in the pay of those courts, he would be just as faithfully represented as his people. It would be endless to enumerate all the favours which were conferred upon William by those "apostate Whigs." They complimented him with the first suspension of the Habeas Corpus Act, which had been hazarded since the confirmation of that privilege; and this example of our Deliverer's reign has not been lost upon any of his successors. They promoted the establishment of a standing army, and circulated in its defence the celebrated "Balancing Letter," in which it is insinuated that England, even then, in her boasted hour of regeneration, was arrived at such a pitch of faction and corruption, that nothing could keep her in order but a Whig ministry and a standing army. They refused, as long as they could, to shorten the duration of Parliaments; and though the Declaration of Rights acknowledged the necessity of such a reform, they were able, *by arts not unknown to modern ministers*, to brand those *as traitors and republicans* who urged it. But the grand and distinguishing trait of their measures was the power which they gave to the Crown of annihilating the freedom of elections, of muddying for ever that stream of representation, which had, even in the most agitated times, reflected some features of the people, but which then, for the first time, became the Pactolus of the court, and grew so darkened with sands of gold, that it served for the people's mirror no longer.—*Notes to Corruption, a Poem, by T. Moore.*

To know that there has been a naval battle between the British and French is to know also that the latter have been defeated. We regret, therefore, that the former event having taken place between Lord Collingwood and the Toulon fleet, still rests only on report. The following communication, however, said to be received by Government, proves it to be probable:—

"A vessel from Port Mahon arrived at Gibraltar on the 29th ult. and gave information to Captain Fayerman, of the Formidable, that the French fleet, consisting of 17 sail of the line, had put to sea from Toulon on the 21st of that month. This information was communicated to the Master of the above vessel by the Topaze frigate, off Mahon: he was also informed that Lord Collingwood had left that place in pursuit of the French, with fifteen sail of the line; two sail of the line had also passed Mahon on the 20th to join him, and another sail of the line was also stationed off Cape Sebastian, near the Bay of Rosas."

In corroboration of the alleged result, a letter from Cette has also been received.

Though a number of canal diggers were on Wednesday embarked for the purpose, it is thought, of levelling the fortifications in the island of Walcheren, yet licences still continue to be granted to ships trading to the Dutch Golgotha. This has occasioned some anxiety as to the determination of Government respecting its evacuation.

THE MUTINEERS OF THE BOUNTY.

As the fate of Fletcher Christian and his companions was never ascertained, we are glad of the opportunity of presenting to our readers the following interesting article on that subject:—

Extract from the Log-book of Capt. Folger, of the American ship Topaz, of Boston:—

Valparaiso, Oct. 10, 1808.

Capt. Folgar relates, upon landing at Pitcairn's island (or Incarnation, of Quiros) in lat. 25 deg. 2 min. long. 130 deg. by lunar observation, he found there an Englishman by the name of Alexander Smith, the only person remaining of nine that escaped in his Majesty's late ship Bounty, Captain W. Bligh. Smith relates, that after getting Capt. Bligh in the boat, Christian, the leader of the mutiny, took the command of the ship, and went to Otaheite, where great part of the crew left the ship, except himself, Smith, and seven others, who each took wives, and six Otaheitan men as servants, and shortly arrived at this island, where they run the ship on shore, and broke her up. This event took place in the year 1790. About four years after their arrival, a great jealousy existing, the Otaheitans secretly revolted, and killed every Englishman except himself, whom they severely wounded in the neck with a pistol ball. The same night, the widows of the deceased Englishmen rose and put to death the whole of the Otaheitans, leaving Smith the only man alive upon the Island, with eight or nine women, and several small children. He, when he recovered, applied himself to tilling the ground, so that it now produces plenty of yams, cocoa-nuts, bananas, and plantains, hogs, and poultry in abundance. There are now some grown up men and women, children of the mutineers, on this island, the whole population amounting to 35, who acknowledge Smith as father and commander of them all. They all speak English, and have been educated by him, Captain Folger represents, in a religious and moral way. The second Mate of the Topaz asserts, that Christian, the ringleader, became insane shortly after their arrival on the Island, and threw himself off the rocks into the sea; another died of a fever before the massacre took place. The island is badly supplied with water, sufficient only for the present inhabitants, and no anchorage. Smith gave to Capt. Folger a chronometer made by Kendall, which was taken from him by the Governor of Juan Fernandez. Wm. Fitzmaurice, Lieut.

Extracted Sept. 29, 1808.

It will seen by a perusal of our Law Report, that a new trial has been refused Col. WARDLE.—We believe that this result was rather expected, among the Lawyers at least, on the principle of the danger of the precedent; for to admit a second trial, because witnesses, *who might have been called*, were not present, they argue, would certainly tend to eternal litigation, and length of purse, not extent of right, would often prevail.—The trial has therefore been refused on a point of Law; the indictment for a *Conspiracy*, however, still proceeds, and it will soon be seen whose *oaths* are most entitled to credit, Mrs. CLARKE's and the WRIGHTS, or Mr. WARDLE's and his friends. The former swear that Mr. WARDLE engaged to furnish the strumpet's house, as a reward for her evidence during the late Inquiry;—whilst that Gentleman's *affidavit* affirms, that he never in any way became responsible for the cost of the furniture;—that he accompanied Mrs. CLARKE to WRIGHT's at her request, when going to another place on the business of the Inquiry;—that when in the shop, Mrs. C. looked at a variety of things, which she said was her Gloucester-place furniture, and asked his and Major DODD's opinion of them; but that neither of them selected any one article, nor did Mrs. C. yield to their taste in respect to a certain carpet, as had been sworn, by saying that she did not care about it, as he (Mr. WARDLE) was to pay for it;—that no such conversation, as was sworn to by Mrs. C. and Mr. D. WRIGHT ever took place, for he (Mr. WARDLE) in no way conducted himself on this occasion as to give even a hint to any of the parties that he meant to pay for the goods, nor did Mrs. C. make use of any expression at that time which could induce such an idea;—that he never promised Mrs. C. any remuneration whatever for her aid in the investigation of the Duke of YORK's business;—that he never sent back any mirror or writing desk, or objected to the price of such articles;—that being much pressed by Mrs. C. to make her a *loan* of 500*l.* to pay this Mr. WRIGHT for these very goods, he so far consented as to prevail on Major DODD to accommodate her with a bill to that amount on Mr. ILLINGWORTH, the payment of which he guaranteed, on Mrs. C.'s assurance that it would be repaid in two or three months. —Col. WARDLE also swears that Mrs. CLARKE sent him two threatening letters, the first demanding 1000*l.* and the second claiming within two years a payment of 10,000*l.* and during that period 500*l.* a-year;—and finally, that the entries in WRIGHT's books respecting the goods were not made in his (Mr. WARDLE's) name, but in that of Mrs. FARQUHAR, of which entries, however, he knew nothing whatever, till he learnt it from WRIGHT's answer to a Chancery Bill filed by himself.—Such are the principal points of Mr. WARDLE's affidavit: it remains to be seen whether a Jury will give that gentleman and his witnesses credit, in preference to the Duke of YORK's discarded mistress, and her old friends and upholsterers, the two WRIGHTS.

A young lady aged 18, the daughter of a wealthy distiller, in the vicinity of St. Martin's-lane, eloped on Sunday with a private soldier, who, on account of this affair, has been returned "absent without leave." The parties were traced to Camberwell, where the son of Mars threw off his military attire and purchased a suit of clothes. The lady took with her about 100*l.* and embraced the opportunity to go off when she was supposed to have gone to tea to a married sister.

Several inhabitants of Walcheren having applied to the Commander, Gen. DON, for information on the subject of the probable evacuation of the island, the General returned for answer, that "he had not received any orders on the subject." This is far from being conclusive evidence, that such is not the determination of Government. We have seen a letter from an Officer at Walcheren, in which the evacuation of the place is said to be anticipated by the whole army, who, it is added, are in high spirits at the prospect of some of them returning to their native country. Where they are sent afterwards, they are utterly regardless; but to continue there, appears to be considered by all, as leading to inevitable destruction.

A young lady of the name of SOAN, the daughter of a mealman, at Sheply Mills, Surrey, was killed in sight of two of her sisters on Monday. She was leaning over a rail at the mill-head, when it gave way, and she was plunged into the water. She was in a moment entangled in one of the large wheels of the mill, and her body was torn to pieces; so that only part of her remains were found.

The opposition at Covent-Garden Theatre considerably relaxed a night or two since, most likely in contemplation of the ensuing trials for a conspiracy, which will no doubt determine the question respecting the mode as well as measure of resistance on such occasions. If the Managers succeed, however, and persist in the *Private Boxes*, it is to be hoped, *at least*, that Covent-Garden Theatre will become a marked spot for public neglect and contempt.

From bows and mock humility the Managers proceeded to Constables, Boxers, and Blackguards, and lastly, they now have recourse to law:—since the insignia of the Constables and the fists and bludgeons of their pugilistic retainers have failed, they now appeal to the sword of Justice. But who shall brandish the weapon? Justice is not with *them*: jealous of her power, she will not defend those who have attempted to supplant her by all the ruffians of every description that art or money could procure; she will not appear in that Temple where Messrs. GULLY and MENDOZA have been made to officiate as her High-Priests.

Several papers have been thrown about the Pit; and, amongst others, three or four lists of the proprietors and tenants of the Private Boxes. The following is a copy of one list, for the correctness of which we, of course, cannot vouch:—

FOUR ANNUAL BOXES RENTED BY

Prince of WALES,	Duke of CUMBERLAND,
Duke of YORK,	Duke of GLOUCESTER.

FOUR ANNUAL BOXES PURCHASED BY

Duke of NORTHUMBERLAND,	Mr. KNOX,
Earl of EGREMONT,	Mr. ANTROBUS.

TWENTY-FOUR ANNUAL BOXES AT PRESENT RENTED OR OCCUPIED BY

Princess of WALES,	Mr. WHITE, (Office in the House of Commons).
Duke of DEVONSHIRE,	Marquis of SALISBURY,
Lady HOLLAND,	Mr. BOONE,
Earl SEFTON,	Duke of BEDFORD,
Mr. VAUGHAN (City),	Count STAHREMBERG,
Duke of NORTHUMBERLAND,	Lord MOUNTJOY,
Mr. MEYRICK,	Mr. COUTTS,
Marquis of ABERCORN,	Lord CHOLMONDELEY,
Lady SPENCER,	Marquis of STAFFORD,
Mrs. J. OBBY HUNTER,	Earl GROSVENOR,
Marquis of STAFFORD,	Mr. HOPE,
Mr. ANGERSTEIN (City),	Mrs. BOEHM.

Last week the Queen sat to Mr. Turnerelli for her bust, and appointed him Sculptor to her Majesty.

Mrs. Siddons.—A Mrs. Gallindo, formerly Miss Gough, has thought fit to publish several Letters of Mrs. Siddons, of a private nature, with an introductory Letter to Mrs. S. The Letters of Mrs. Siddons contain a good deal of what may very properly be termed cant; and as for Mrs. Gallindo's Letter, it is certainly, to say the least of it, very improper, if not very libellous. Mr. Gallindo was a fencing-master, who taught *Mrs. Siddons to fence!* Mrs. Gallindo, like many other foolish women, is jealous, and makes a specific charge against Mrs. S. of "having used every art to gain Mr. G.'s affections, and detach him from Mrs. G. while she at the same time professed the greatest friendship for her." In support of this charge, Mrs. G. makes several *assertions* respecting the behaviour of Mr. G. and Mrs. S. at her house at Paddington—a scene at an inn—and in a curricle in Ireland. On these points we can form no judgment: they are mere assertions, without any proof whatever.

EPITAPH,
WRITTEN IN 1806.

Here lies Charles Fox,—a mighty man
For finding fault with Kings;
His merit if you wish to scan,
Look at the state of things;
He found them bad,—he left them worse:
This truth there's no repressing,
And if his Rival was a curse,
He surely was no blessing. P.

THEATRICAL EXAMINER.

No. 59.

LYCEUM.

A new farce, entitled *Not at Home*, from the pen of Mr. Dallas the Novelist, was produced here on Monday. It is the story of a newly married rake, who, from what he considers as his knowledge of women, takes it into his head that he ought to be extravagantly jealous of his wife, and is extravagantly jealous accordingly. He selects the ugliest servants he can find, forbids them to admit a single good-looking person into the house, and allows nobody the freedom of his mansion but a *Mr. Spectre*, who, notwithstanding the natural ugliness that has procured him this privilege, thinks it necessary to divest himself of as many beauties as possible, neckcloth, peruke, &c. before he can safely exercise it. At last however, *Lovel* overhears this ghastly Adonis making love to his wife, who rejects him with contempt, and the jealous husband is reformed. So far, the plot is well connected and of good capability; but the rest of it, containing the adventures of a heroine who is beset by intrigues, and ultimately rescued from a villain of a lord, is in the most mawkish style of the circulating library. These tame underplots, intended for relief to the story, relieve nothing,—neither the story nor the audience. Even the most laughable farces find them but as a dead weight, a disadvantage and a deformity at once, like a Merry Andrew with a shrivelled arm; and in pieces of little interest, they are sure harbingers of damnation, as was the case with *Not at Home*, at least on the *first* night, for the Lyceum announcements, it seems, go the way of all other bulletins on these occasions, and like those of our friends the Spaniards, generally contain a lie at bottom.

Those persons, indeed, who had read Mr. Dallas's novels, went to the Theatre with the expectation of very little humour, and found still less. Mr. Dallas is a writer superior to the great majority of novelists, inasmuch as he possesses a pleasing mediocrity; and his novels of *Percival*, *Aubrey*, &c. in the practical morality and domestic tenderness of their stories, will do good at once to the heads and the hearts of their fair readers; but of humour they have not an atom, and when a novelist without humour sits down to a farce, it may easily be imagined from his habits of writing what a bank of *theatric* entertainment will ensue. It is true, that what is see-able, is not always readable; but then what is readable, is not always see-able. The best passage in Mr. Dallas's works might be insipid upon the stage, from mere want of stage effect; and the best lesson in the world will become nothing, particularly in a farce, if it does not seize upon those *momentary* feelings of an audience which are so distinct from the patient sympathies of the closet. Now the hero of the farce before us is a jealous man, and jealousy is in itself a frightful rather than a laughable passion; in farce therefore, it should produce the most ludicrous *effects*, or it draws the attention too forcibly to itself and baulks the expectation of amusement: but except the mere fact of *Lovel's* jealousy of his ugly friend, the servant's universal reply of Not at Home in the first scene, and one part in which his master throws every thing about him in a rage like *Petruchio*, there was nothing in the story calculated to excite a smile: it had neither the whim and fantastic novelty of the broader farce, nor the animated and terse dialogue of Garrick and Foote:—in short, it was the mere episode of an ordinary novel. The best touch in it was *Spectre's* chagrin on his friend's hinting that he trusted him because he did not altogether think him handsome: but much more might have been done with this character, more might have been done with the equivoque of visitors, and more with the servants. As to the black man, with his *Massa*, and his *me do dis and me do dat*, it is one of those execrable common-place tricks, that make one look at the person sitting next us, with a sensation of shame.

The *Spectre* of Mr. Matthews, by the help of a Brutus wig, and a pair of tight pantaloons, was the most prepossessing of ghosts, and evidently saved the piece from early condemnation. He had managed to give his nose a most facetious twist; and the degagee indifference of this countenance, when its owner, during a tete-a-tete now and then turned to contemplate his outstretched leg, was irresistibly laughable. In a word, the best part in Mr. Matthews's character, is what Mr. Dallas did not do; and the best part in Mr. Dallas's farce, is what Mr. Matthews did:—and such is the general character of the modern drama.

☞

FINE ARTS.

ANATOMICAL LECTURES AT THE ROYAL ACADEMY.

An ignorant Cheesemonger swelled with self-importance by the wealth he has obtained as a wholesale dealer, is with about as much propriety denominated a Baronet, as a fat mite in one of his cheeses may be called an elephant, and obtains by it as much real honour as the contemptible little grovel-

ler does size or strength; so a man may be called *Professor* of a science, but the title will not confer ability to exercise its duties. Such is the case with Mr. CARLISLE, Professor of Anatomy to the Royal Academy, if we can form a judgment from what he has delivered at the Academy, especially from the first lecture of an intended series, read to the Academicians and Students last Monday. Those gentlemen absolutely departed from an hour's discourse without having heard any thing of the science they went to hear developed, and, instead of the feast of knowledge, were regaled with the flummery of fabulous tales, of puerility and pedantry. The proportions and stature of the human body constituted the themes of his discourse, and the first very properly so, if it had been descanted on with judgment. Of the proportions, however, the Lecturer gave us common-place remarks, such as that the height of the human figure is equal to it's breadth when the arms are stretched out, and that the various measures, such as the span, cubit, ell, fathom, &c. &c, were deduced from measurements of the parts of the human frame. He entered into a most useless, tedious, and pedantic detail of the nature and etymology of these measures. Thus, he said, the span was derived from the Saxon, and then minutely detailed the different lengths of the Greek, Roman and English spans. The ell was derived from the Saxon eln, a measure containing 45 inches. When he told us of the time when this same ell was first introduced into England, the Students all smiled, whether at the profoundness, the erudition, or the utility of the information, it is difficult to determine. Indeed the Lecture, whatever it was in other respects, must be allowed to have been amusing, since the Students not only smiled at a thousand such specimens of deep research, but absolutely laughed in despite of the *becoming* gravity of the Professor and the Academicians arranged around him. As those gentlemen are privileged to take a visitor with them, parents would confer a singular gratification on their children, if each would take a little one to listen to the pretty stories they will hear about giants and dwarfs, which constituted half the lecture last Monday; as how the Romans had for an Emperor a strapping fellow named MAXIMIN, who was eight feet and several inches high, and how though GOLIAH, whom little DAVID slew, was a tremendously tall fellow, yet O'BRIEN the Irish Giant, was proved to be as tremendously tall a fellow; as how some huge men inhabit certain places on the sea-shore, while some dapper little manikins crawl about the mountains; in fine, as how many of these dainty, dapper, little manikins have been born in Britain.—They will also be entertained with pretty optical illusions, at least equal to the Gallante Shew, and where, by magical rubs of a sponge, the human skeleton will instantly appear on a blank sheet of paper. The Emperor of all the Conjurers himself could not have exhibited a more magical deception. I could not however help fancying, when the skeleton so instantly appeared, that it was the ghost of the late excellent Professor indignantly starting before the "most potent, grave, and reverend" Academicians, to upbraid them for having rejected a Lecturer superior even to himself, for a teller of old women's tales, and an exhibiter of childish, [illegible] optical illusions. The Academicians appeared to fancy so [illegible] they sgited on their seats, and looked quite blank [illegible] and well they might, for they are the [illegible] this pedantry and folly; the consequence [illegible] that the Students must go elsewhere for anatomical information as connected with Painting, and the Royal Academy, as it is pompously called, will finally become mere Shew Rooms, in which the most intriguing Artist will occupy the best places, though his talents may be calculated only for a Leg of Mutton Sign, or a Royal Jubilee Transparency. All this is owing to the vile system of *favouritism*, which will as certainly ruin an Academy as it will overthrow a Kingdom.

R. H.

SIR RICHARD PHILLIPS, KNT.

TO THE EDITOR OF THE EXAMINER.

SIR, *Nov.* 24, 1809.

An attack upon my honour and veracity, founded in gross falsehood, but involving considerations of some importance to the public, having appeared in the *Monthly Magazine* for September, I thought it incumbent on me to write and transmit to Sir RICHARD PHILLIPS a paper in answer thereto, which I requested might be inserted in the forthcoming number of that Magazine.

His excuse for not inserting it in that number seemed at least specious, and was admitted on his *promising* both to Dr. STANCLIFFE and myself, that it should appear in the next. I had indeed thought that when an unjust attack on character was to be repelled, the common sympathies between man and man would inform Sir RICHARD that it could not be done too soon, and that an honest desire to repair the injury which the proprietor, publisher, and reputed editor of the *Monthly Magazine* might well suppose I had sustained in the public opinion, would have seconded and enforced this feeling; but he pleaded the richness of the materials of which he was already possessed for the Magazine of October, and as I could not be prepared to resist this further attack on my modesty, I was compelled to acquiesce in the delay.

I had not then supposed that Sir RICHARD PHILLIPS would either cause or permit (as far as depended on him) a person of a studious profession and retired habits, to be assaulted in his reputation, or the public to be imposed upon under colour of such an assault, with impunity to the aggressor. Where disinterested public virtue appears to the naked eye, I am not disposed to pry after selfish motive through the delusive microscope which has beguiled so many of our modern politicians. I had therefore given Sir RICHARD full credit for the acts of public good performed during his shrievalty. They covered, in my view, a multitude of sins; and in the affair of Mr. BLORE, and on other occasions, where he has been accused of sacrificing public considerations to private, and gentlemanly feeling to the craft of trade, I was inclined to think that some of those mistakes might have occurred which often, in spite of the rectitude of human intentions, disguise the genuine complexion of things.

But behold, when the printing season for the Magazine of November arrived, my MS. was returned! with a refusal from Sir RICHARD to admit it into his Magazine, unless I would consent to the erasure of all those passages wherein I had ridiculed my ridiculous adversary, and also those which I had written upon general principles, and therefore more especially for the public, amounting to the far greater part of the whole; for merely in my own defence I had not felt it necessary to say much. When falsehood is coupled with feebleness, it is soon refuted.

This second refusal could scarcely fail to open my eyes, and I begin now to perceive, that; as the river of oblivion is itself immortal, Fleet-ditch, so famous in the time of POPE, is still Fleet-ditch: though disguised under the refined appellation of Bridge-street, Blackfriars, it is still the drain of the metropolis: still the scene where the cheap scribbling of imbecility finds favour, and protection, and adequate reward; and where the High Priesthood of Dulness faithfully delivers her oracles, and ever and anon, in the words of the goddess, calls aloud to the ELMESES, the dunces of the day,

"Here strip, my children; here at once leap in;
"Here try who best can plunge thro' thick and thin."

But my present object, Mr. Editor, is not to write a *Phillippic*, but to inform, through favour of the EXAMINER, those who may have read Mr. ELMES's attack on me in the Monthly Magazine, that my rejected Letter, written in reply to that attack, has been sent to the SATIRIST, and of the reasons for its appearance in that publication.—I am, Sir, your obedient servant, J. LANDSEER.

PRICE OF PROVISIONS.

MR. EXAMINER,

I think nothing can more astonish the mind of a thinking man, than to hear of the spirited opposition made to an attempt of the Managers of a Theatre to monopolize in a matter of amusement, or luxury, by that public, who have so tamely endured, for a number of years, every species of monopoly and imposition, to an excessive degree, on articles of provision which most materially affect their domestic comfort and common happiness. When one considers that the same individuals have not been roused, although much more than the extra price of the pit has been laid on every pound of butter, cheese, sugar, &c. and nearly twice as much on every quartern loaf of bread, the very staff of life, I am not merely astonished, but positively astounded.

I can remember the time, Sir, when the offspring of the labouring class of our fellow creatures were generally healthful, and ruddy to a proverb; but look now into the cottage, and nothing is seen but squalid, emaciated, and sickly appearances; and in the present state of things it cannot be otherwise: the fact is, that this miserable class of beings want not only the comforts, but even a sufficiency of the necessaries, of life. The price of labour bears no parallel to the present price of provisions: as, for instance, when bread was from fourpence-halfpenny to sixpence the quartern loaf, meat twopence and twopence-halfpenny, fresh butter sixpence, new milk a penny per quart, and skimmed or blue milk two quarts for the same money, all which his present MAJESTY can remember,—the lowest wages of the labourer were six shillings per week; the price of labour now, upon the average, is from nine to ten shillings. In the year 1795, the public experienced an enormous advance in the price of meat, but as little opposition was made to it, the imposition remains. After this, the farmers followed the example of the graziers and butchers;—and from a very partial failure of crops, a great scarcity was furbished up, and communications, circulated by *interested men*, tickled the avarice of the farmers from one end of the country to the other. The Parliament were applied to, *interested men* were selected to investigate the matter, and the Duke of PORTLAND's ever-to-be-execrated letter to the Mayor of Norwich completely sealed the business. The farmer for a while fattened on the distress of the country;—but as things so good are not to be enjoyed for ever, the landowner became equally desirous of sharing in the booty: in *consequence*, the moment of the expiration of the leases, the landholder in general doubled his rent, and from this period the burthen, which seemed to sit loosely on our shoulders, was riveted.—So much for the avarice of landholders, and the parsimonious inhumanity of the farmer.

Previous to the vast rage for enclosing, these poor people had in general the privilege of common right; but the extraordinary price of corn gave a new and unheard-of value to the land: the *lay renter* had a natural desire, under these circumstances, to realize a property, which, in the nature of tythe, is rather precarious; the farmer imagined to himself a golden age when he should be rid of it, and both felt a common interest in depriving the poor of all their privileges and comforts, by obtaining acts for the enclosure of what they were pleased to call *waste lands*. It is in this legal way that some men may steal the common from the goose, while others may not be suffered to take a goose from the common.

I believe some of the mischief may be traced to the Institution of the *Agricultural Society*: and their motive in associating I conceive to be of the same nature as that of brokers, brewers, &c. namely, for their individual benefit, to the prejudice of the public good. We are not ignorant of their professed motive,—that under scientific management the earth should become more productive,—that the animal species shall be improved in shape, quantity, and texture. What has been the result? Truth will answer the question for me, that notwithstanding the prodigious tracts of land by them brought into culture, bread upon the average is more than double, and meat under their management has tripled in price; the information they have circulated through the kingdom, has tended to spread the contagion to the remotest corner of this island, in consequence, markets have been regulated and equalized, notwithstanding the disparity of the value of land, so that bread has been the same price where land is let on the average for twelve shillings per acre, as in other places where it is let for six pounds.

I am aware that the advocates of oppression will say that those who object to the present price of the various articles of life are but shallow reasoners, and do not enter sufficiently into the causes of these effects;—I answer, that the best ages have been marked by a simplicity which can only agree with truth and honesty, and it of course required no chicanery to cover the injustice of nefarious practices; but it is nothing new in the history of man, that under corrupt governments, which take place in the decline of empires, when the only existing principles are *avarice* and *self aggrandizement*, mystery creeps into every thing, and a fallacious mode of reasoning, as artificial as their manners, becomes *necessary* to cover the guilt of their practices. A SUBSCRIBER.

November 14, 1809.

P. S.—Since writing the above, an additional imposition has taken place of one penny in every quart of milk. Can your ingenuity supply a probable conjecture at what point oppression will stop, or when we may hope for a temporary repose from the wretched anticipation of mul-

tiplied burthens? A few years since, the same thing was attempted, when the citizens, with a becoming feeling and spirit, resisted it, and the effort subsided. To the present iniquitous levy, no opposition has been made: What does this awful torpor presage?

PROPOSED ASYLUM FOR FRIENDLESS YOUNG LADIES.

A Letter to Mr. Whitbread has lately appeared, containing suggestions for the formation of an Asylum for Friendless Young Ladies. The plan already *suggested* by the Author, though generally good, is of course liable to objections, and perhaps may be rather trifling in one or two respects, as in the restrictions with regard to dinner-time and tea-time, subjects better left to the discretion of the Governesses; but the motives of the writer, who signs himself "A Father," appear to originate in feelings so laudable, and the proposed Establishment is of a nature so truly calculated to diminish human misery where it is most felt, that it becomes the duty of a public writer to recommend it to notice. The temporary matter, that at a time like the present continually presses in upon a Weekly Paper, prevents me from giving more than the sketch of the Plan at once; but I shall take the liberty next week of snatching a page from the follies of war and politics, to devote it to a subject always dear to the best feelings of my countrymen, and to direct, if I can, a little assisting light into the retirements of private affliction. The writer, after suggesting that Patrons and Lady Patronesses be of high rank, proposes, among a variety of other matters,

That the Building for the Establishment be erected in Mary le-bone-fields, or any other suitable situation in the vicinity of the west end of the metropolis, sufficiently capacious to afford convenient accommodation for three hundred young ladies, six matrons, and a suitable number of female domestics.—That the matrons consist of ten ladies, widows of respectable clergymen, without children, and not under the age of forty years, all ladies of amiable manners, exemplary lives, and good education.—That the young ladies be denominated *Sisters of the Ladies' Asylum*; and that they be admitted from the age of twelve years to the age of thirty-five years,—subject to certain conditions.—That a school be kept in the Young Ladies' Asylum, to complete the education of sisters under the age of ——. Scheme of education to be settled by the lady patronesses.—That the governesses should be selected from the sisters who may be found best qualified to teach; to act in that capacity by rotation.—That there should be a Chaplain who should not be under the age of —— years, of eminent piety, to read prayers daily at half past eight in the morning, and to perform the Church Service twice on the Sunday.—And that all the sisters above a certain age should be employed — hours each day (Sunday excepted), on such works as their respective talents would enable them to perform, viz. in making drawings of figures, landscapes, flowers, &c.; in forming work-baskets, screens, chimney-ornaments, or any other light and elegant works of that description; in making lace, or figuring muslin, &c. with the needle: but that these works should be considered entirely as amusements, and not to be given as tasks. That there should be four sales by public action annually of these works, advertised as the works of the Sisters of the Young Ladies' Asylum. Whatever funds may arise therefrom (after deducting a sum to cover the expenses of the materials used in such works) should be presented by the Sisters to the Society for the Relief of Persons Confined for Small Debts. It is easily presumed, that the application of the Sisters' talents to so benevolent an end, would tend to excite their feeling minds to display all their ingenuity and industry.

(To be continued and concluded next Sunday.)

MR. HOWARD.

A few weeks ago, an outline of the case of this unfortunate person, with a Letter from him to the Lord Chancellor Eldon, was inserted in this Paper. At his earnest request, the subjoined Letter, addressed by him to his Grace the Duke of Norfolk, is laid before the public. Of Mr. Howard's claims, we know little but from his own statements; but there certainly are some circumstances in his history, which go a great way to prove that he directly or indirectly belongs to the Howard Family. His father was connected with and supported by that family, and he himself was sent when a boy to St. Omer's for education, and afterwards to Portugal, under the care of persons known to the late Duke of Norfolk. These facts, with his possessing a pension of 45*l.* a-year under the will of Duke Edward, and his having been released from confinement for debt, and sent to Ewood, where he resided for many months, *by order of the present Duke*—all shew that Mr. Howard cannot be a stranger to the Norfolk Family. Why he is now wholly neglected by his Grace, we know not; but this is certain, that if he be not an impudent impostor (which there is no reason whatever to suppose), his being suffered to drag on a life of wretchedness, with his wife, on a miserable stipend of 45*l.* per annum, is a mystery which it remains for the Duke to unravel. Were our Readers to see this unhappy man, with his gentlemanlike manners, his bent but noble figure, his finely marked countenance, and his grey hair, we think they would feel sentiments of more than ordinary compassion for him. The Duke of Norfolk may have acted properly; but we cannot, from a false delicacy, shut our ears to the complaints and wishes of an aged and unhappy individual, who may probably be in error, but who certainly thinks himself wronged both of wealth and title.

"TO THE PRESENT POSSESSOR OF THE NORFOLK TITLE.

"I have already been under the necessity of laying my case before the public, in a Letter to the Lord Chancellor, inserted in the Examiner, of August 20, which Letter, and the present, I presume, must come under your inspection, and ought of course to be a sufficient reason for a reply on your part, as well on my account as your own. The family proofs you required from me I delivered into your hands previously to my appeal to the Lord Chancellor.

"It is quite time that a final determination took place in my cause. I have been disinherited of my birthright; I have all my life experienced nothing but wrongs and injustice; and the law will not interpose on account of my poverty and your power. My first application to you was at the recommendation of your mother, when you held the title of Earl of Surrey. Since the year 1793, you must recollect I waited upon you at Norfolk House, when you expressed your wish to serve me in every respect: you said, that if I proved my connexion with any of the most distant branch of the Howard Family, I should be allowed 1200*l.* a-year from the Norfolk estates, and that Lords Suffolk and Carlisle, and the rest, would contribute according to my birth-right. After some further discourse concerning the family proofs required, you desired me to tell my wife to call upon you on Tuesday, which she did; when you informed her you had a small estate in charge belonging to me, of about 400*l.* a-year, which I might sell, if I proved my family. From the proofs I have delivered both to you and the Lord Chancellor, it fully appears that I have discovered the means by which I have been disinherited, and

my family obscured, for the purpose of depriving me of my just rights.

"Besides the manor of Darking, which could by no means belong to you, if even heir to the late Dukedom, as the rents thereof were received by Mr. WM. SEYMOUR for my father, WM. HOWARD, and in his name, the estate of Ewood was purchased by the sale of Depden, which belonged to that manor, and on which estate my wife and myself were placed by Mr. SEYMOUR, who acted by your orders, on the 21st of December, 1795. My motive for quitting Ewood, and coming to London, was to procure an explanation from you, on account of the very singular usage I received there, as well as to remonstrate against being passed under a false name, against my consent. I certainly then supposed that I was free to return at my pleasure, and did not imagine there was any plan laid to drive me from that estate.

"In the year 1797, my wife called on you at Norfolk House, when Mr. DELAMY, of the Herald's Office, who is also Minister at Leatherhead, was present. You told her that Mr. DELAMY should call upon us at our lodgings with your proposals, which he accordingly did;—my wife was present;—Mr. DELAMY said, he came by order of the Duke of Norfolk to express his wish to serve me in any way in his power; that you were sensible I and my family had suffered greatly, and that you were willing to comply with any proposals I should make. I replied, that I well knew all my wrongs, but that I should be satisfied with the estate of Ewood, and the small estate of 400l. a-year you told my wife you had in charge for me, which was indeed but a small compensation for what I ought to have enjoyed. Mr. DELAMY appeared satisfied with my answer, and said he would inform you of it; but I have never yet received any satisfactory information from you.

"You will also recollect that you desired my wife to tell me not to go to the Lord Chancellor, and you would see what could be done for me. I complied with your desire, and did not wait upon the Lord Chancellor; yet you left town without making any communication to me on the subject of my claims, though it was reported by some that you had given me 400l. a-year and Ewood estate. Had such been the case, I should not have been under the necessity of thus publicly addressing you.

"*Nov.* 1805. "WALTER HOWARD."

LAW.

COURT OF KING's BENCH.

Monday, Nov. 6.

COVENT-GARDEN THEATRE.

The ATTORNEY-GENERAL said, he took the liberty of moving for a Rule to shew cause why a criminal information should not be filed against persons, whom he should name, for conspiring to compel the Proprietors of Covent-Garden Theatre, to admit persons into that Theatre at what they were pleased to call "Old Prices," for the most extraordinary and continued uproar and riot that had ever appeared in any place of public entertainment. He should state the substance of the affidavits on which this motion was founded. The first affidavit he should take notice of was that of *Mr. Kemble*, part Proprietor of the Theatre, in which affidavit was mentioned the burning of the late, and the building of the present Theatre; in consequence of which a rise took place in the terms of admission, of one shilling in the boxes and sixpence in the pit, the half-price of which was the same as formerly, and no advance whatever in the gallery admission. The next affidavit was that of *Mr. Glassington*, the Prompter of the Theatre, and that affidavit stated, that after the building of the Theatre was completed, and previous to its opening, an advertisement was published, respectfully stating to the public the necessity of the advance in price of admission; but previous to that advertisement there appeared in several newspapers certain paragraphs and observations, calculated to produce clamour at the opening of the Theatre. That on the 18th of September last it was opened; on which occasion a great number of persons assembled, and conducted themselves in the most disorderly and riotous manner; they proceeded to the extent of beginning to demolish some of the doors and other parts of the Theatre, uttering, at the same time, most loudly, "No New Prices," "Old Prices for ever." That such proceedings were continued for five successive nights, in which there was incessant hooting, hissing, hawling, groaning, blowing of horns and trumpets, the ringing of bells, springing of rattles, &c. &c.—That they proceeded to the length of tearing the covering from off the seats of several parts of the Theatre, and otherwise injuring the property therein; in consequence of which it was found necessary for the Proprietors to shut up the Theatre for a few nights. That during that period they endeavoured, by the testimony of certain respectable Gentlemen, to satisfy the minds of those who were discontented with the new arrangement concerning the Theatre. The Theatre opened again on the 4th of October, on which occasion, again, a number of persons assembled, and behaved in the most disorderly and tumultuous manner, uttering, very loudly, the cry of "No New Prices" "Old Prices" "No Private Boxes," &c. &c. &c. in consequence of which, little of the entertainments of the Theatre could be heard. That these tumults were not so great, nor the parties engaged in them so conspicuous, in the beginning of the play, and often hardly commenced until the time for admission at half price; but, from that time, such were the tumult and the uproar, that hardly any thing could be heard that was uttered on the stage; on these occasions a party always attended, and employed rattles, trumpets, bells, horns, &c. the party always wearing the initials O. P. in their hats, and on their breasts. Frequently in the pit they made sham fights. They formed themselves into bodies in the upper part of the pit, and ran down the lower part of it, trampling upon those who did not get out of the way. That when it was necessary to call in officers of the peace, constables, &c. they were resisted and turned out. That this party, in going out of the Theatre, took the O. P. out of their hats and from their breasts, so that they could not be recognized; or else they went in a body of such force that they could not be apprehended by the peace officers. Such was the substance of the affidavit of Mr. Glassington, the prompter; it added, that the deponent *verily believed*, that all these tumultuous proceedings were for the purpose of compelling the Proprietors of this Theatre to continue opening it *at the old prices!* These tumults were continued every night down to the present time: that not a night past in which this uproar did not take place, at least at half price; that several individuals, concerned in the tumult, were apprehended, indicted, and bills found against them; notwithstanding which, these disorderly proceedings still continued; that an advertisement was daily inserted in the newspapers, recommending subscriptions to support the defence of those whom they pretended to say were unjustly prosecuted by the Proprietors and Managers of this Theatre; that this advertisement was accompanied by reflections on the character of Mr. John Philip Kemble; who also swore in his affidavit, that he believes a conspiracy is formed by certain persons (and that the wearing of the letters O. P. is their signal to know each other), to take these measures for the purpose of compelling the Proprietors of this Theatre to return to the old prices of admission.—The next affidavit was that of *Mr. James Brandon*, the Box-keeper of the Theatre. That affidavit stated, that from time to time, a great number of persons assembled, distinguished from others in the Theatre by wearing letters O. P. in their hats, and they exhibited various placards, such as "Keep your noisy stations;" "A long pull, a strong pull, and a pull altogether;" "Conquer or die." &c. The affidavit then went on to state, that a certain number of persons had *entered into an agreement* for the purpose of compelling the proprietors to restore the old prices; and to make themselves known to each other, they adopted the letters of O. P. Some of the affidavits particularized the persons who constantly went to this Theatre, for this purpose, and assembled in the manner already stated. That on the 31st of October last, the 4th, 7th, 8th, and 14th of November instant, the affidavits were specific concerning certain individuals, and

among them was one whose name he must mention *with regret*. He should have felt great satisfaction in omitting his name, if he could; he felt pain in mentioning it; *but he must do his duty*—there was no avoiding it, although he was a member of the *learned profession* to which he had the honour to belong. And here he could not help observing, that it was important to make the gentleman to whom he was alluding a defendant in the prosecution which he was now asking of the Court leave to institute; for many people might be misled into fatal errors, when they saw a gentleman of legal habits engaged in these tumultuous proceedings. It was difficult to conceive, impossible to express the effect, which an example set by such a person might have upon a giddy multitude. When they saw *such* a man engaged in these scenes of tumult, they might imagine that the proceedings were legal. The necessity of bringing forward such a person, therefore, was apparent. Such a gentleman, if such a gentleman there was in the profession, rendered it incumbent on those who had the care of forwarding this motion, to make such a person a defendant in it, not only on account of the Proprietors, who had sustained such serious damages by these riotous proceedings, but also on account of the learned profession itself. If, possessing the advantages which he did, of a legal education, he who had mixed in these tumults was not brought forward, and made responsible, and others, who did not possess such advantages, were brought forward, the public would think that he was screened because he was a lawyer, since he did not share the common fate of all those who have been implicated in these tumults. It would appear from the affidavits, that on the 31st of October last, a number of persons, having this badge of "O. P." and possessing certain placards, collected together as usual, when great discord, confusion, and riot, took place. It was not until the commencement of half price this gentleman, with the letters "O. P." in his hat, appeared in the pit. He was joined by others. He could not say he could fix on that gentleman any specific act of riot, or tumult, but he certainly gave countenance to the riotous proceedings.—It was considered that he had countenanced these tumultuous proceedings, and he continued so to do; for on the 4th of November, he attended the Theatre again, with the same insignia, which was the very emblem of riot. That gentleman was recognized in the house as the leader of the tumultuous party, for, when he came into the House, the cry of "*Clifford* for ever," was set up, and was remarkably prevalent. The party then proposed that they should give him three cheers, which passed in the affirmative; and it was done accordingly, after which the uproar continued for the remainder of the evening. The object of his appearance was well understood, and the effect which it produced was apparent, by his having these three cheers. Not only did they recognize him, but they cheered him as their leader, and he harangued them, telling them, "that if they continued their exertions, they would, in time, be sure of gaining their object." The affidavit stated, positively, that these three cheers were given to that gentleman by those who wore the letters "O. P." which he wore at that time, and that he had been heard to say to those who wore the badge of tumult, "That's right, go on, persevere, and when you leave the house disperse." So that they had him on the 7th of November in this scene of riot, among those who blew their horns and trumpets and sprung their rattles, &c. Hitherto he had only taken notice of Mr. Clifford; on the night of the 31st of October, he might not have been expected there; however he was recognized there by the people, and he addressed them afterwards, advising them to persevere, although with the prudent caution of advising them to disperse when they should be gone out of the house. He was charged with being in these tumultuous scenes on the 31st of October, the 4th, 7th, and 14th of November. He then came to the cases of other persons, against whom he moved, and those were *Mr. Wienholt*, *Mr. Scott*, *Mr. Savage*, and *Mr. Ridley*. With respect to Mr. Ridley, they had no proof about him, except that he was at the Theatre one night, and that was on the 31st of October; but then he had "O. P." in his hat, and he made a great noise. He was apprehended, conducted before a Magistrate, where he confessed that he had worn "O. P." in his hat, and said he would do it again. Here was a manifest determination to persevere. With respect to Mr. Wienholt he had been present and conspicuous amidst the tumult on the 31st of October, 8th and 14th of November, and took an active and pointed part in the riotous proceedings, and was encouraging the riotous to persevere; and on one occasion, when the placard of "conquer or die" was exhibited, a person having torn it, he was one of the most active in turning that person out of the Pit. As to Mr. Scott, it appeared by almost all the affidavits that he was concerned in these tumults, particularly those of the 28th of October, and the 8th and 14th of November. The affidavits applied to Mr. Wienholt, Mr. Scott, and Mr. Savage, stating their tumultuous conduct in the lower boxes, shewing that they joined the number of those who cried "Off! off! off! off!" "No new prices!" "No new prices!" &c. &c. with "O. P." in their hats.—"It is not necessary," said the Attorney-General, "to go through the whole of the acts of riot and tumult which took place at the time when these persons were present. I have stated generally what took place every night, from the opening of the Theatre to the present time, and we have fixed on certain characters, who, we say, conspired to carry into effect their purpose, by combining and using their joint strength, in order to accomplish, by unlawful means, that purpose which they had determined to attempt; namely, that of obliging the Proprietors and Manager to admit persons to the Theatre at the old prices; that is, to accomplish that object by force, which they have no right to attempt. The Proprietors might have included a much greater number than these persons in this application to the Court, persons who were connected intimately with these tumultuary proceedings; but they have only selected these individuals who were the most prominent in these uproars, and they appear to have been more than ordinarily active, and therefore are they only selected; and the Proprietors hope, that proceeding against those will be sufficient to restore order and tranquillity in the Theatre. I therefore, with that view, trust your Lordships will grant a Rule, calling on each of these individuals to shew cause, why a criminal information should not be filed against him."

Lord ELLENBOROUGH—"Take a Rule to shew cause."—Rule granted.

Wednesday, Nov. 22.

THE KING *v.* SHELDON.

Mr. TOPPING said, that this was the case in which he had obtained a Writ of *Habeas Corpus*, directed to Capt. Sheldon, commanding him to bring into Court the body of Elizabeth Moorehouse, an infant, for the purpose of her being delivered to her father. The parties were now in attendance.

Mr. GARROW.—"I do not think it will be necessary to trouble the Court with the appearance of the parties, or with hearing any thing further of this business.

Mr. TOPPING.—"The parties are brought up here, and she is delivered to her father; I do not know whether it be necessary that the act of delivering over to her father should be done in Court. I have no wish for it, if it be not necessary."

Mr. GARROW.—"Out of delicacy to the feelings of the parties, I wished to pass by the ceremony of the delivery over of the party in Court."

Lord ELLENBOROUGH.—"As the writ is returnable here, we ought to have the performance of an obedience to it in Court. It is a writ which protects the liberty of the subject, and due and formal, as well as substantial obedience to it ought to be executed. We, as guardians of the freedom of the subject, must *see* that the writ is properly obeyed. Call the parties into Court."

Upon which Capt. Sheldon came into Court with the young woman, followed by her father.

The writ of Habeas Corpus was then produced, and the return read as follows:—"I, the within-named J. Sheldon, in obedience to the writ of Habeas Corpus to me directed, do certify, that the within-named Elizabeth Moorehouse, did of her own free-will come to reside with me; and I do further certify, that no force, restraint, or coercion, hath been laid on her by me, or by any body, while she so resided with me,

but that she hath continually been, and now is, at liberty to go away to any person she may think proper."

Lord ELLENBOROUGH.—"Is her father here?"

Mr. GARROW.—"Yes, my Lord, she comes here, indeed, in the possession of her father."

Lord ELLENBOROUGH.—"Let her be delivered up to her father."

This was done immediately. He took her by her hand, trembled, and wept; and then the parties withdrew.

As they were going out, Lord ELLENBOROUGH said, "She is not to be molested in going home with her father. The Court will watch over and see to the effectual execution of this writ. If any one should offer to interrupt the father and daughter in their way home, the Court will visit that offence as it should be visited.—What age is she?"

Mr. TOPPING.—"Fifteen, my Lord."

[This unthinking young creature, who is said to be very handsome, had imprudently left her father's house, for the arms of her betrayer, who, on application, refused to deliver her up. As he has now exposed his own want of honour, and her want of prudence, the only reparation he can possibly make is to marry her at once.]

LIVERPOOL RIOTERS.

This day nine persons were brought into Court to receive judgment upon a charge of having riotously and violently assembled in the town of Liverpool, and there rescued from the custody of an officer on the impress service, a young man of the name of Crossley, a mariner, who had been impressed there.

The defendants let judgment go against them by default; and the Attorney-General in praying judgment against them, observed, that he most sorry to say, that, within these twelve hours, his professional and official duty was called to the consideration of a most alarming disturbance, that had recently occurred in the very same quarter of the kingdom: he therefore trusted that their Lordships would mark offences of this description with exemplary punishment.

Mr. CLARKE, Deputy Recorder of Liverpool, then addressed the Court on behalf of the defendants, in mitigation.

Mr. Justice LE BLANC stated, that the public welfare rendered both indispensable and legal the impressing of men for the naval service. The law of the land recognized it in times when the necessities of the State required it, and it must be protected. The prisoners must have known that they were committing acts in open violation of the law, but nothing short of bloodshed at the time could deter them; but fortunately that was not resorted to. It was truly said, observed the Learned Judge, that "even right should not be asserted by wrong means." But most unfortunately there prevail in some places opinions to the contrary. It is necessary to remove such erroneous notions.—We do not live in times when this Court should pass over offences of this sort with a slight punishment, when the *spirit of insubordination is abroad*, and when *every thing wrong is attempted to be enforced by violence and riot*; the temper of the times is such as would make it culpable in the Court to pass over such an offence as this lightly; for the public must learn (if their own good sense has not already informed them of it) that a Court of Criminal Jurisdiction must not treat such subjects lightly, and that however turbulent persons may succeed for a while in their attempts to compel what is wrong to be redressed by violence—or even to compel what they may think to be right, the arm of the law will be long enough to reach them; and however punishment may be delayed, at last they will be sure to be punished. It is not by compulsion that even that which is lawful should be exacted; and it certainly is not safe that the thing which is unlawful should, by compulsion, be enforced. These were considerations that in the present crisis actuated the Court, and influenced by them, the sentence upon the Defendants was, "That they, and each of them, should be confined in the Castle of Lancaster for one year."

Thursday, Nov. 23.

WRIGHT v. WARDLE.

The ATTORNEY-GENERAL rose to shew cause against the rule *nisi*, obtained by Mr. Serjeant Best. He began by saying, that unless the administration of justice was to be dispensed by rules widely different from those which have uniformly directed and guided Courts of Justice, and that Court in particular, not a ray of hope could be afforded to the defendant, and he knew that even his learned and ingenious Counsel themselves could not entertain a hope of success in their efforts on this occasion; for he was bold and adventurous enough thus early and roundly to assert, that if the Court had been apprised of facts that would this day be necessarily disclosed, they would have rejected the motion *in limine*, and never allowed it to be placed upon the records of that Court. It would be seen, that before the motion for a new trial was made, his client and his client's witnesses were made the subject of a criminal prosecution, upon a charge of having conspired with each other, to get—what? exclaimed the Attorney-General—to get a legal verdict! But there was some consolation to be obtained from that indictment; for as the wily were often entrapped by their own snares, so here that indictment furnished him with the names of those who were to be produced as witnesses to support the criminal charge of conspiracy, and who were to be foolishly and wickedly brought forward to defeat every end of justice and of right; and having so furnished him with their names, enabled him to counteract their mischiefs. He hoped, when he thus mentioned these facts, that Colonel Wardle was not now out of Court, that he is not ignorant of the occurrences then agitating, and that he does not again mean to complain that he is again betrayed.

Lord ELLENBOROUGH here observed, that he hoped no treachery was supposed to be imputed to the Learned and Honourable Gentlemen who conducted the defendant's cause, or that any such unworthy idea should any where prevail.

The ATTORNEY-GENERAL answered, that nothing could be further from his mind. But he had mentioned so much as he did, because there was a darkness of insinuation somewhere, by which it might be left to the world to imagine that the Attorney who first defended Colonel Wardle had not performed his trust, for we now find that Gentleman (Mr. Cocfield) changed for Mr. Ellis, as if there was a something in the former Gentleman's conduct that rendered such a step necessary: but it was all a trick, a part of the contrivance just suited to Colonel Wardle's capacity; a shallow artifice, however, that defeated the very object that it had in view. Colonel Wardle complains, that the witnesses at the trial did not speak the truth; and he has not the hardihood to give them a fair hearing, but to stifle that he has the folly to think, that, by joining them all, plaintiff and his witnesses, in an indictment for a conspiracy, he seals their lips, and by shutting them out each from assisting the other, vainly dreams of conquest, and walking over the course.—Not so; Mrs. Wright is alive; Mrs. Wright is a witness, a competent witness, and so are yet others. There was so much little, low, mechanical cunning in this, that the contrivance was expected to escape the vigilant eye of the Court, but he trusted their Lordships saw distinctly the bent of it. Mrs. Wright knows a great deal, and that Col. Wardle will find out, probably much sooner than he imagines. He did not know how to describe his sense of the wickedness and the folly of the defendant's conduct in this affair; the only way in which he could account for it was, that the defendant being apprehensive of his own fate, and to be prepared for his own evidence on the trial for the conspiracy, he uses this little stratagem to get hold of the remaining evidence of the plaintiff, that he may know how to shape his own testimony hereafter with safety. He again hoped that he was then listening to him, and if he was in the hall, that he would hear what he then said.—(*Here the Attorney-General raised his voice so that the Court rung again.*)—The Learned Gentleman, after a little pause, proceeded. He said, that in a conversation with his client, Mr. Wright, he told him that if the facts now known had been stated to the Court, the Court would not, in the first instance, have granted the rule. But to his everlasting credit be it recorded, and, said the Learned Attorney, I shall respect him for it whilst I live; his answer was this, without a moment's pause,—"Sir, when you have the conducting of the cause in Court, your opinion of it must depend upo

on the credit you give, and the credit which the Jury may give to the witnesses; but now, the credit which I am to have does depend on my own knowledge, and nothing shall prevent me from stating to the Court the whole transaction." This must be mentioned to his honour. There was another fact worthy the consideration of the Court, namely, that the day after the verdict, Colonel Wardle published a letter addressed to the people of the United Kingdom.—Here the Attorney-General read the letter, in some of its most prominent parts, making some very severe and satirical comments upon it as he proceeded, directing the shafts of his irony to that part of it in particular where the defendant complained of not having access to his Counsel pending the cause, the futility of which the Learned Attorney General shewed in very glowing colours. From thence he went on to Col. Wardle's affidavit. With respect to the circumstance of not having access to his Counsel, he appealed to the Counsel themselves, whether Colonel Wardle's Attorney, during the whole of it, was not uniformly making communications to them from his client during the whole of the proceedings, and till the Jury retired. (The Learned Gentlemen did not contradict him.) "But," said the Attorney General, "I appeal to the Court, to his Lordship, to those Gentlemen themselves, whether I did not repeatedly state that my cause was to be supported by three witnesses, and that these were Mrs. Clarke, Mr. D. Wright, and Major Dodd? Not that I would call him the friend and confident of Colonel Wardle, but that I pledged myself that I could compel him, and would compel him, if I had called him, to support the plaintiff's cause. It was a little singular, that in the very long affidavit made by Colonel Wardle (and he has volunteered that affidavit too) not one word is there mentioned why he has substituted Mr. Ellis, his present Attorney, for Mr. Corfield, his former Attorney. He knew the reason of it—the thing altogether was a most convenient shift, and Col. Wardle should have all the glory of it." The Attorney General then resorted to a variety of strictures on the general complexion of the case—not merely those which applied to formal rules or technical order and distinctions, but upon the broad principle of *meum et tuum*, and the *honest* and *undisguised* principle that actuated the plaintiff (Mr. Wright) throughout the whole of this arduous business, wherein, as the Attorney-General observed, his only error was his uniform desire to save Colonel Wardle from publicity, and preserve him in disguise, till he himself, by untoward acts, forced him to commit him to public consideration.

Lord ELLENBOROUGH enquired here, "What fact of *surprize* does the defendant complain of? for upon that only do we think this Rule ought or ought not to be made absolute."

ATTORNEY-GENERAL.—"Not one." (To shew this he reads Col. Wardle's affidavit). The affidavit is again the subject of further animadversion, on which he is very severe, and when that part of it was noticed that Col. Wardle could not have had any communication with his Counsel,

The COURT asked, Does he state where he was at the time?

ATTORNEY-GENERAL.—"No, my Lord, but it is well known that he was walking about the Hall with his witnesses."

Lord ELLENBOROUGH.—"Then he had it in his power to call any witness he thought fit."

ATTORNEY-GENERAL.—"Yes, my Lord, and his Counsel, though a thing not very usual, would have gone out to him if he earnestly required it."

Here the COURT deemed it proper to call upon the defendant's Counsel to shew whether they could establish the fact, that the verdict against their client was obtained by surprise, as, considering the situation in which the plaintiff and witnesses stood, that was previously necessary; because, till that was established, it would not be just to call upon them to expose their affidavits, which went not only to discharge the rule obtained, but to operate in their defence upon the trial for the conspiracy.

Mr. Serjeant BEST then briefly, but in pointed language, answered, that the surprize consisted in matters which have been disclosed since the trial, and which were not known to the defendant, or to his advocates or agents, at the time.

Some observations were then mutually exchanged between the Bench and the Bar, in the result of which the Learned Serjeant hinted at the case standing over till next term; but the Court refused that, upon the principle, that, as it was settled that the defendant must be restricted to shew that the verdict was obtained by surprize, he could do that now as well as at any other period.

Serjeant BEST observed, that when it was stated that he received peremptory instructions to call Colonel Wardle's witnesses, he must contradict that assertion. His Learned Friend, Mr. Park, and himself, had a note leaving that matter entirely to his discretion, and he would not call Major Dodd to expose him alone to the mercy of such adversaries. He would now take the liberty of stating to their Lordships those facts, on which he thought himself justified in moving for a new trial. And here he could only argue from those statements which appeared on the face of the affidavits. But if from these it should appear that all had not been done which British justice required should be done, namely, that on the occasion of the former trial, neither the Court nor the Jury were in possession of all the circumstances of the case, but that new and most important particulars had been now disclosed, which it was impossible could be got at on the former occasion, he trusted that the Court would not refuse to grant the present application for a new trial. Certain it was, that Wright, the plaintiff, his brother, and Mrs. Clarke, had been indicted for a conspiracy, with the design of extorting money from his client, and it would be a new and hard case indeed, should a verdict be obtained against them, and that the parties, while they were suffering the punishment of the law, should yet be permitted to have in their pockets the very fruits of their own iniquity; and yet such might, by possibility, be the case, should their Lordships think fit to refuse the present application. And here he would beg leave to call to the recollection of his Lordship, that the former case was so far from being a clear one, that the Jury were some hours out of Court before they brought in their verdict. There were many inconsistencies in the evidence which was then given; and if the Jury doubted so long then, he had little hesitation in saying, they would not have doubted at all, had the affidavits which were now brought into Court been then submitted to them, but would have given a verdict for his client. On the former trial Mrs. Clarke found means to get rid of the statute, which provides that no person shall be liable for goods delivered to another, unless that person made himself so liable by writing under his hands; she did so, by stating roundly, that the goods were ordered of Mr. Wright by Mr. Wardle. But she bungled greatly about the time when, according to her, her acquaintance with Mr. Wardle first commenced. At first she swore roundly, that her acquaintance with him began in the Autumn of 1808; but afterwards, upon cross-examination, that he was first introduced to her so late as the 16th of November in same year.

Lord ELLENBOROUGH.—This was an inconsistency pointed out to the Jury; so far as it was a contradiction, it went to the Jury, together with the observations then made upon it.

Mr. Serjeant BEST said, that he had only stated these things to shew that the Jury had great ground for hesitation on the former trial; and he should now submit to the Court some observations on the facts that had been disclosed by the affidavits, and which he took to be quite uncontradicted. There were, first, the affidavits of *Joseph Curt* and *Simeon Bull*, which contained facts that were quite new to the Court, and which it was impossible to get at the trial, because they were totally unknown. There was also the affidavit of *Sir Richard Phillips*, which contained statements expressly contradicting what Mrs. Clarke had sworn upon the trial. Sir Richard Phillips says expressly, that she had applied to him to publish her Memoirs, and that she assigned to him as a reason for making the most of her publication, that she had two thousand pounds to pay to Wright for the furniture sent in to her house at Westbourne-place. Now on the trial she had sworn that Mr. Wardle had engaged to Wright to pay for that very furniture. Here was an express contradiction, which, had it been known

at the trial, the Jury never could have given the verdict which they did. It was wisely provided, that it should be left to the discretion of the Court to grant or refuse a new trial; and confident he was, that their Lordships would do so, when they thought it would advance the justice of the case. He would therefore put it to the Court, whether, when the defendant after trial discovers a fact which gives a direct contradiction to what was stated by the principal witness, they would not think that the cause of justice demanded that the matter should be again submitted to a Jury?

Lord ELLENBOROUGH conceived that it would be most dangerous to lay this down as a general principle. *It might perhaps advance the justice of a particular case*; but it would tend to set afloat the whole interests of property, if new trials were to be granted, whenever parties were able to bring forward affidavits of this sort. In that case there would be no end to such applications. He therefore could not think that this affidavit was enough to justify a new trial. What facts had Curt and Bull to prove, that would have been material on the trial?

Mr. Serjeant BEST.—With regard to these persons, his Lordship would recollect, that it was endeavoured to be shewn at the trial that Wright would not have trusted Mrs. Clarke, and therefore that he never would have sent in the goods to her house, unless on the credit of Mr. Wardle. Now Joseph Curt makes oath that Wright absolutely recommended Mrs. Clarke to him as a lodger, adding, that he had taken some thousand pounds of her money, and that had he 50 houses to let, she should have her choice of them all. Now this was the language of a man, of whom it had been said on the trial, that he would not have trusted her with any goods on her own security.

Lord ELLENBOROUGH.—The whole of this only went to shew that Wright was giving her a false credit, for the possible purpose of supporting her, that he might be able to get the 500l. which she owed him. This sort of conduct was very improper, but it did not falsify the story they had heard on the trial.

Mr. Serjeant BEST said, that after the observations which had fallen from his Lordship, he would not occupy the time of the Court any longer. His client, he was afraid, must submit to lose these damages; but he was willing to make this sacrifice under a confidence that he would have an opportunity of shewing that a foul conspiracy had been formed against him. He should not reply to the severe remarks which had been made by the Attorney General, but should merely observe, from the affidavits which had been produced, that, as had been said on another occasion, "a great deal of infamy must attach somewhere."

Mr. PARK followed on the same side. He submitted, that were a new trial granted, they should be able to prove that Wright had been bail for Mrs. Clarke in near forty actions, for debts of various amount; and how was this consistent with the pretence that he would not trust her?

Lord ELLENBOROUGH.—It was easy to suppose that Wright knew he became bail for her without any risk; he knew she was a *feme coverte*, and not liable. People *in his way* are tolerably acute in these matters.

Mr. PARK would trouble the Court with only one more observation. From the affidavit of Curt it appeared that Wright actually gave his draft to the amount of 106l. to Curt for the fixtures in Mrs. Clarke's house at Westbourne-place; and also that Wright actually paid the first and second quarter's rent for the house, by drafts or checks on his own banker. These checks could be produced in Court—they were evidence that could not lie—much stronger than parole testimony, to shew that Wright had mixed himself with Mrs. Clarke's transactions, and had credited her to a great extent, long before she knew Mr. Wardle. All this shewed that he was in the constant habit of giving her full and ample credit.

Lord ELLENBOROUGH.—Was not this Curt the most natural witness for the defendant to have brought forward at the trial? One would have thought the defendant's attention would have been naturally directed to such a witness.

Mr. MARRIOTT followed in support of a new trial.

After a short consultation, the Judges then severally delivered their opinions on the subject.

Lord ELLENBOROUGH.—If a new trial were granted in this case, a most dangerous precedent would be established. In future the defendant would only have to lie by, and having heard the plaintiff's evidence in all its bearings, he would then apply to the Court for a new trial, furnished with a new capacity, and new means for contradicting it. The Court, before it grants new trial, requires the defendant to shew that there was a *surprise* upon him; that that was proved, which he had no means of knowing would be attempted to be proved. Now what circumstance of surprise was there upon the trial, against which the defendant could not protect himself by ordinary industry and attention? When Mr. Wardle was preparing to defend in this action, he must have had in his contemplation the claim that was set up, the residence of Mrs. C. and the goods that were brought into it. What was to have hindered him from calling for a fuller specification of the different articles? and when he was looking about for witnesses, to whom was his attention so naturally directed as to Curt, the landlord of the house where Mrs. Clarke resided? Was the Court to administer relief to the indolence or neglect of the parties? If so, a strong motive for vigilance would be removed, and such applications to the Court would be endless. As to the insurance, the Jury had opportunity to consider of it. But why did not this item of charge, apparently suspicious, excite the defendant to farther investigation before the trial? As to the multitude of bails, there was no contradiction in that to the evidence for the plaintiff; there could be little doubt Wright was aware she could relieve herself by pleading her coverture; and therefore he incurred his liability by becoming bail for her. But discoveries, it is said, have been made in Chancery. Now we all know it is an ordinary application, and never refused by this Court, to put off a trial, on account of filing a bill in Chancery, for the purpose of extracting material evidence. There would have been no difficulty in the defendant filing his bill earlier, and then moving that the trial should be put off on that account.—The ground which he went upon was, that the circumstances which appeared on the trial, did not come upon the defendant by surprise, and he might have wrung the conscience of the plaintiff in the Court of Chancery, before he came to defend himself in that Court. The defendant might have no actual communication with his Counsel during the trial, but he had potential communication; he had the power of using his legs for a few paces, and stepping into Court, when he might have three of those witnesses examined, whose testimony, he now says, is important. Upon the whole, we should shake the very foundation of Jury trial, and give rise to infinite mischief, if this rule were made absolute.

Mr. Justice GROSE, Sir SIMON LE BLANC, and Mr. Justice BAILY, entirely concurred with the opinion of Lord ELLENBOROUGH.—Rule discharged.

Mr. Wardle was not in Court.

VIOLENT ASSAULT AND RIOT.

Nine defendants, viz. five women and four men, were brought up from the Gaol of Huntingdon, being convicted at the last Assizes there, for a very outrageous assault upon a poor woman, on the score of her being a witch. They were all ordered to be imprisoned in the same gaol, one of them for two months, the rest for one month, and to find sureties to keep the peace in future; receiving, at the same time, a most severe lecture both for their inhumanity and their shocking and ignorant prejudices and delusions.

POLICE.

BOW-STREET.

On Monday, *William Nunn*, a brass-cutter; *Daniel Spriggs*, apprentice to his father, a taylor in Cecil-street, Strand; and *George Oakley*, apprentice to a broker in Tippers-row; were ordered to find bail, on charges brought against them by Lavender the officer, and others of the patrole, of riotous and disorderly conduct in the avenues leading to the Pit of the

Theatre, by sparring, sham-fighting, and loud vociferations. One of them was also charged with having the letters O. P. in red characters, on the front of his hat.

John Ford was next charged by *Brandon*, with being extremely riotous and disorderly in the Pit, from the commencement of the fourth act of Romeo and Juliet, to the termination of the performance, and occasionally addressing the females in the private and dress boxes in the most indecent and obscene language.—Ordered to find bail.

On Tuesday, a Gentleman in the Pit, of the name of *Robson*, residing in America-square, was dragged out, with a degree of brutality that would have disgraced even a slave merchant—his coat was torn to rags. On arriving at Bow-street, he was put to the bar like a felon, and there waited the arrival of the Professor, who, in about half an hour, presenting himself, charged Mr. Robson with *sneezing unnaturally*, and afterwards running into the centre of the Pit on being marked, whereby a riot was created. This charge was corroborated by a Mr. Daniel Davis, a surveyor, in Bloomsbury-square, who not only concurred with Brandon in the sneezing of Mr. Robson having been unnatural, but added, that his coughing was still more so, resembling the barking of a dog. Mr. Robson admitted the facts of sneezing and coughing, but denied that they were unnatural; the dust arising from the Pit had made him both sneeze and cough, as it had made many others, and would, doubtless, also make his Worship, were he to visit that part of the house. His Worship, however, turned a deaf ear to this remark, and stated the necessity of Mr. Robson going to prison, unless he could find bail. Fortunately for that Gentleman, he was accompanied by friends who were deemed sufficient to become his sureties. Mr. Robson then returned to the Pit door, at which being refused admission, he returned to Bow-street, and claimed the interference of the Magistrate, who refused it, adding, that he did not wonder at the refusal to admit him after his unnatural sneezing, coughing, and other conduct.——(N. B. Persons troubled with coughs and colds ought to be particularly careful not to appear in public, lest they be required to find bail.)—Mr. Robson remonstrated, but Mr. READ closed the controversy by—"*You can get no redress here.*"

Mr. Wienholt's hat was snatched off his head in the Pit some nights ago, and he in vain sought redress at the Pubic Office. Some hints had been dropped that this hat might be heard of at the Harp in Little Russell-street; there Mr. Wienholt went, but the Landlord denied all knowledge of the hat, or of the conversation said to have been held there by two men, one of whom had said, he had "got a hat, which he had pawned for 7s. 6d.;" to which another replied, "D—n it, I have only got a little brooche in the row."—For two whole days, Mr. W. persevered in his inquiries, and at length found his hat safely housed at Messrs. Page and Co.'s, pawnbrokers, in Little Russell-street. Mr. Page, with great promptitude, assisted in discovering the party, who turned out to be a man of the name of Shone. On being examined at the office, he said he was a smith, out of employment, but admitted that he had been at the Theatre almost every night since it had opened, and that he had gone in with orders signed by Professor Brandon, but how he had obtained those orders he would not tell. The hat he said he had picked up, and afterwards had held up, calling out for an owner. To corroborate this, the Landlord of the Harp stated, that he saw him pick up the hat, but did not see him hold it up. Mr. GRAHAM, on being informed of his previous declaration of knowing nothing about it, rejected his evidence, and convicted Shone in the mitigated penalty of forty shillings, which, together with 24 shillings, the value of the hat, confirmed by the testimony of Mr. Hare, of the Strand, at whose shop it had been bought, Shone was ordered to pay, or pass one month in the House of Correction. He pleaded his utter inability to pay: he was destitute, had neither money, nor friends—but lo! within an hour, to the admiration of even the Bow-street Officers, the whole amount was paid, of which twenty shillings went to the poor of the parish, and the remaining two pounds four shillings were presented by Mr. Wienholt to the "Subscription for the aid of those unjustly prosecuted." Mr. Graham, on hearing of the payment by Shone, exclaimed—"Could I have conceived this possible, I would not have mitigated the penalty."—[This extraordinary transaction must convince, even the most incredulous, of the arts to which the Managers resort to subdue the Public. Here is a journeyman smith out of employment, nightly attending the Theatre of Covent-Garden, where, as he says, he picks up a hat, pawns it, is fined, and, though penniless, in less than an hour finds a good friend, who pays down three pounds four shillings—Good! It ought to be remarked, that Mr. Wienholt applied at Marlborough-street Office for a warrant against the man who originally took the hat, whose name is Smith; but he was there informed, that as he, Mr. W. had already applied at another Office, the Magistrates at Marlborough-street could not, consistently with Police etiquette, take cognizance of the complaint.]

On Wednesday, *Mr. D. Forster*, of Basinghall-street, was charged with riotous conduct in the Pit. His accusers, George Farmery and John Goddard, having detailed the acts of insubordination, Mr. F. was held to bail. The Magistrate expressed much dissatisfaction at the freedom of Mr. F.'s conduct. *Mr. James Johnson*, grocer, of Gracechurch-street; and *Mr. John Tyler*, fish-salesman, of Billingsgate, being charged by the Professor with demanding "Silence!" were also held to bail. Mr. Tyler having, in the warmth of his defence, expressed himself strongly, was fined two shillings for profane swearing—to which was added the sum of three shillings for costs. *Mr. O. Jones* was held to bail for assaulting two Bow-street Officers. Mr. Forster again made his appearance on a fresh charge, supported by a Mr. Egerton Cutler, of Bloomsbury-square, of speaking to the people in the Pit. (Mr. F. was trapped in coming out of the Theatre). Bail was again given by Mr. Forster. Goddard, the witness in the first case, then required a warrant against one Bryan, who had pointed him out in the Pit as an informer, in consequence of which his clothes were torn. The warrant was granted, and Bryan duly dragged out of the Theatre, attended by a great concourse of O. P.'s. Mr. Bryan denied the charge, and offered to disprove it by two witnesses, but he was ordered to find bail.

ACCIDENTS, OFFENCES, &c.

Monday an over-drove ox, infuriated by the cruelty of his pursuers, ran up King-street, Cheapside, to the end next Guildhall. He attempted to enter both at the door leading to the Court of Requests, and that leading to the Police Office; but several persons standing at both doors had just time to fling them to, and avoid danger. Amongst them was a young woman, with a fine infant in her arms, whom the animal followed up to the very threshhold. He then turned his attention towards Guildhall, making a rapid movement to enter. The hall was much thronged with people, and the Court of King's Bench sitting, into which many of the crowd scampered for safety, and the horned obtruder was every instant expected to follow; but fortunately, a number of persons at the outer gate had the presence of mind to plead a lucky demurrer in bar of his entrance by closing the iron gates against him.

MARRIAGES.

Yesterday, Lord Grenville Leveson Gower, to Lady Harriet Cavendish, daughter of the Duke of Devonshire.

At St. George's, Hanover-square, Viscount Bernard, eldest son of the Earl of Darlington, to Lady Sophia Poulett, eldest daughter of Earl Poulett.—The Earl of Darlington, and Earl and Countess Poulett, were present.

DEATHS.

On Monday Sir Philip Stephens, Bart. at the advanced age of [illegible]. He had been for a long series of years Secretary to the Admiralty. Sir Philip was afterwards one of the Lords of the Admiralty. He has left no issue.

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